THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.514 of 2007

31.1.2007

Between:

Smt.Hanumakka, W/o.Yerranna
And others

... Petitioners

AND

The Revenue Divisional Officer, Gadwal, Mahabubnagar District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.514 of 2007

ORDER:

The petitioners are allegedly owners and possessors of lands admeasuring Acs.4.17 guntas (out of Acs.18.17 guntas) in survey No.746/paiki situated at Guddemdoddi H/o.Uppair village. They claim to have succeeded to the property, which originally belonged to Boya Jangilamma, got mutation in their favour and also obtained Pattadar Pass Books (PPBs) and title deeds under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the RoR Act). Respondents 4 to 9 filed an appeal before the first respondent claiming the land under sale deeds allegedly executed by Boya Jangilamma. Though the petitioners filed their counter, first respondent by orders dated 07.7.2006 allowed the appeal and remitted the matter to second respondent for fresh enquiry. After remand, contesting respondents gave up their plea of registered sale deeds and sought for validation of the sales/unregistered documents, under Section 5A of the RoR Act. By an order dated 18.12.2006, the second respondent validated the ale deed dated 22.2.1978 in favour of the contesting respondents. Aggrieved by the same, the petitioners filed appeal under Section 5B of the RoR Act before the first respondent and also prayed to stay all further proceedings pursuant to the orders of the second respondent. As no orders are passed, the petitioners filed the present writ petition seeking a writ of Mandamus declaring the inaction on the part of the first respondent in

passing the interim order in their favour as illegal and arbitrary.

Admittedly the petitioners submitted appeal under Section 5B of the RoR Act before the first respondent on 03.1.2007. This writ petition is filed on 04.1.2007 alleging that in the proceedings under the Land Acquisition Act, 1894 initiated by the Special Deputy Collector (Land Acquisition), the contesting respondents might be paid compensation. Even if such allegation is correct, this writ petition cannot be entertained and the first respondent cannot be directed to pass orders as prayed for.

It is well settled that when no time limit is prescribed by the statute for exercise of public law functions, the public authority cannot be compelled by the Court to discharge the functions within a prescribed time, as it would amount to introducing such requirement in the statute. In **Mir Fazle Ali Nasiri v the State of Andhra Pradesh**[1], I have considered this aspect of the matter and after referring to **Shiveswhar v. Dist. Magistrate**[2] and **Bhavnagar University v. Palitana Sugar Mill (P) Ltd.,**[3] made the following observations.

> That being the legal position, the time limit within which a statutory authority should act or due to act not being mandatory, it would be impermissible for this Court in every case to issue a direction as a matter of course to public authorities to dispose of application/appeal/revision, within a specified time. It can always be argued that, such a direction would amount to introducing a requirement in the statute, which the legislature itself did not provide for. Therefore, this Court is of considered opinion that as and when such a writ petition is filed seeking a direction – seemingly innocuous – to dispose of the matter expeditiously, such a direction cannot ordinarily be given unless, of course, there is inordinate delay in discharging public duties which itself amount to arbitrariness.

In this case, the appeal was presented on 03.1.2007 and this writ petition was filed on 04.1.2007. Therefore, it is wholly misconceived. It shall, however, be open to the petitioners to approach the Revenue Divisional Officer (RDO), Gadwal – first respondent herein; and obtain appropriate orders.

The writ petition, with the above observations, is

accordingly dismissed. No costs.

(**V.V.S.RAO,J**)

January , 2007.
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[1] W.P.Nos.25017 and 25018 of 2006, dated 01.12.2006

[2] AIR 1966 PATNA 144 (FB)

[3] AIR 2003 SC 511 = (2003) 2 SCC 111